

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Rev. No.114 of 1993

Date of Decision:- 25.07.2007

Gurdeep Singh

....Petitioner(s)

through

Mr.D.N.Ganeriwala, Advocate

vs.

State of Punjab

....Respondent(s)

through

Mr.K.S.Pannu, AAG, Punjab.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

- 1) Whether Reporters of the local papers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

SURYA KANT, J. (ORAL)

This revision petition is directed against the judgment and order dated 4.11.1992 passed by the learned Judicial Magistrate Ist Class, Moga whereby the petitioner was convicted under Section 304-A and 427 IPC and was sentenced to undergo rigorous imprisonment for one year and a fine of Rs.500/- and in default thereof to further undergo rigorous imprisonment for two months, as well as against the judgment dated 30.1.1993 passed by the learned Sessions Judge, Faridkot, whereby the petitioner's appeal was partly allowed to the extent that the sentence period of one year under Section 304-A IPC was reduced to rigorous imprisonment for six months.

As per the prosecution case, on 15.7.1989-Bhupinder Singh son of Mukhtiar Singh and Gurdev Singh son of Banta Singh were returning to village Budh Singh Wala on a Ford tractor which was being driven by Bhupinder Singh. Niranjan Singh, father-in-law of Bhupinder Singh was

going ahead of them on Bajaj Chetak Scooter. When the Ford tractor reached a point about one kilometer behind police station Sadar Moga at about 5/5.15 P.M., Bus No.PJG-1683 driven by the petitioner came from the opposite direction. The bus was being driven in a rash and negligent manner and the petitioner, without blowing any horn, dashed against Niranjana Singh who was going correctly on the left side of the road. Niranjana Singh fell down from the scooter and died at the spot.

Both the Courts below have found the petitioner guilty of rash and negligent driving and have convicted him under Section 304-A and Section 427 IPC, as stated above. Hence, the present revision petition.

It may be noticed here that this revision petition came up for hearing on 24.2.1993 and while admitting the same, the petitioner was directed to be released on bail.

I have heard learned counsel for the parties on merits and gone through the impugned orders. No meaningful arguments could be advanced to prove that the petitioner did not drive the bus in a rash and negligent manner. The fact that the bus struck against the scooter when the same was being driven by the deceased on the left side of the road speaks at large that the petitioner was driving the bus carelessly.

That apart, both the Courts below upon appreciation and reappraisal of the evidence on record have returned a concurrent finding of fact which is neither perverse nor can be said to be a result of misreading of evidence. No interference in exercise of the revisional jurisdiction by this Court is, therefore, warranted.

Faced with this situation, learned counsel for the petitioner

submits that the occurrence had taken place more than 18 years back; the petitioner is on bail for the last 14 years and has never misused the said concession. It is stated that the petitioner is not reported to be involved in any other such like accident thereafter.

It also appears from the record that out of the total sentence of six months, the petitioner has undergone actual sentence of about a month or so.

Having considered the afore-mentioned contention and taking into consideration the long duration of time and the subsequent conduct of the petitioner, I am satisfied that it is a fit case to invoke powers under Section 360 Cr.P.C. and to order the release of the petitioner on probation. Accordingly, the petitioner is ordered to be released on probation for a period of one year subject to his furnishing bail bonds for his good behaviour to the satisfaction of the Additional Chief Judicial Magistrate/Judicial Magistrate, Moga.

Revision petition stands disposed of accordingly.

July 25, 2007
poonam

(SURYA KANT)
JUDGE